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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard B. Streeter

Serial No.: 10/004,068

Filing Date: 10/25/2001

Title: MITRAL SHIELD

Group Art Unit: 3738

Examiner: Javier Blanco

Attorney's Docket No.: VIA-13

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July 3, 2003

(DATE OF DEPOSIT)

James A. Sheridan

(NAME OF ATTORNEY)

James A. Sheridan 7/3/03
(SIGNATURE)

July 3, 2003

(DATE OF SIGNATURE)

Sir:

RESPONSE

This is in response to the outstanding Office Action in the
above-identified application.

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Claims 1-18 stand subject to a restriction requirement under 35 U.S.C. §121.

The Examiner indicated that the Applicant is required under 35 U.S.C. §121 to elect a single disclosed species, from each of the three groups of species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

The Examiner indicated that the application contains claims directed to the following patentably distinct species of the claimed invention:

I. Valve Shield

Species A: Figure 3

Species B: Figure 4

Species C: Figure 5

Species D: Figure 6

Species E: Figure 7

Species F: Figure 8

Species G: Figure 9

Species H: Figure 10

II. Fastener

Species A: Sutures (embodied in claim 6)

Species B: Staples (embodied in claims 8 and 9)

III. Sheet of Material

Species A: Biological (embodied in claims 10 and 11)

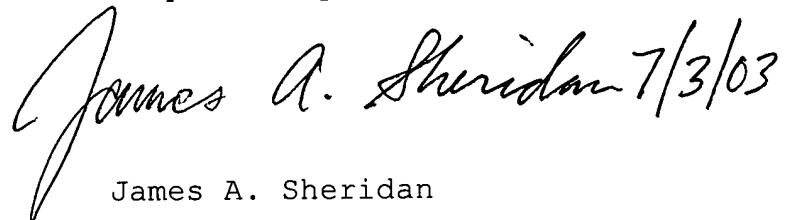
Species B: Non-biological (embodied in claim 12)

In response, Applicant hereby elects, without prejudice, to prosecute the invention of Group I, a valve shield of Species A, Fig. 3; Group II, a fastener of Species A, sutures; and Group III, a sheet of material of Species B, a non-biological material.

Applicant believes that claims 1-6, 12 and 18 are readable on the elected species.

Applicant expressly reserves the right to prosecute all non-elected subject matter in related applications.

Respectfully submitted,



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